

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 and 25-48 are pending in this case. Claims 39-48 were previously withdrawn. The present Amendment amends Claims 31, 35, and 38. Support for amended Claims 31, 35, and 38 can be found in the specification at least at page 12, lines 22-31. No new matter has been added.

Applicants respectfully request the present amendment under 37 C.F.R. § 1.116 be entered as no new matter is added and no new search or other examination is needed as the amendments to Claims 31, 35, and 38 clarify the feature of a “predetermined threshold” that was already searched.

The outstanding Office Action rejected Claims 1-38 under 35 U.S.C. §112, second paragraph, as indefinite; Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz et al. (U.S. Patent No. 5,786,994, hereinafter “Friz”) in view of Applicants’ Background of the Invention (hereinafter “ABI”); Claims 5-7 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Ridolfo (U.S. Patent No. 6,735,549); Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Kucek et al. (U.S. Patent No. 6,832,199, hereinafter “Kucek”); Claims 19-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Babula et al. (U.S. Patent No. 6,381,557, hereinafter “Babula”); and Claims 31-32, 35 and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over Ridolfo in view of ABI.

In response to the rejection of Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 under 35 U.S.C. §103(a) as unpatentable over Friz in view of ABI, Applicants respectfully request reconsideration of the rejection and traverses the rejection as discussed next.

Independent Claim 1 is directed to a medical equipment management apparatus for managing medical equipment provided in a medical facility including, *inter alia*:

...a prediction unit connected to the network,  
configured to calculate an expectancy of the parameter data to  
be received in the future based on the stored parameter data;....

Page 3 of the outstanding Office Action concedes that “Friz does not expressly disclose a prediction unit configured to calculate an expectancy of the parameter data to be received in the future based on the stored parameter data.” In an attempt to cure the above-noted deficiency, the Office Action applies page 2, lines 8-11 of ABI. This portion of ABI states that “...it is also known, in a general maintenance field, that a future expectancy is predicted based on measured values and an advance response is performed according to a comparison between the future expectancy and a predetermined reference value.”

However, Applicants note that what is “known” to applicants in Japan is not an admission as to what is known in the United States. In order to be “prior art,” only knowledge in the United States under 35 U.S.C. § 102(a) (“the invention was known or used by others in this country...”) is applicable. Thus, a mere admission of knowledge in Japan does not qualify as a “prior art” admission.

Page 15 of the outstanding Office Action cites MPEP 2129 and states that “a statement by an applicant during prosecution identifying the work of another as “prior art” is an admission that that work is available as prior art against the claims, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102.” However, Applicants’ specification does not classify the work of another as “prior art.” Page 2, lines 8-11 of Applicants’ specification merely states that “it is also known, in a general maintenance field, that a future expectancy is predicted based on measured values and an advance response is performed according to a comparison between

the future expectancy and a predetermined reference value.” Thus, Applicant’s specification does not contain a “prior art admission” as described in MPEP 2129.

Further, the above statement from page 2, lines 8-11 of the specification refers to the *inventor’s* knowledge in Japan and not the knowledge of another individual. MPEP 2129.I. states that “even if labeled as ‘prior art,’ the work of the same inventive entity may not be considered prior art against the claims unless it falls under one of the statutory categories.” Thus, because the statement in page 2, lines 8-11 refers to the inventor’s knowledge and not the knowledge of another individual, the statement at page 2, lines 8-11 is not a “prior art” admission under MPEP 2129.

Accordingly, Applicants respectfully submit that Claim 1 is patentable.

Independent Claims 33-34 recite “calculating an expectancy of the parameter data to be received in the future based on the stored parameter data.” Independent Claim 36 recites “a medical equipment management apparatus configured to calculate an expectancy of the parameter data to be received in the future based on the parameter data transmitted from the medical facility apparatus, to determine a value of the expectancy....” Lastly, independent Claim 37 recites “a medical equipment management apparatus configured to calculate an expectancy of the parameter data to be received in the future based on the parameter data transmitted from the medical facility apparatus....” Therefore, the arguments presented above with respect to Claim 1 are also applicable to Claims 33-34 and 36-37.

Thus, it is respectfully submitted that independent Claims 1, 33-34, 36-37 and all claims depending therefrom patentably distinguish over Friz and ABI.

Accordingly, Applicants respectfully request the rejection of Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 under 35 U.S.C. §103(a) as unpatentable over Friz in view of ABI, be withdrawn.

In response to the rejection of Claims 31-32, 35, and 38 under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 31, 35, and 38 recite novel features clearly not taught or rendered obvious by the applied references. Support for amended Claims 31, 35, and 38 can be found in the specification at least at page 12, lines 22-31.

Amended Claim 31 is directed to a medical equipment management apparatus for managing medical equipment including, *inter alia*:

...a determination unit connected to the network configured to determine a date when the expectancy is substantially identical to a predetermined threshold existing in the determination unit;....

Independent Claim 35 recites “determining a date when the expectancy is substantially identical to a predetermined threshold existing in the determination unit.” Independent Claim 38 recites “a determination unit connected to the network configured to determine a date when the expectancy is substantially identical to a predetermined threshold existing in the determination unit.” Therefore the arguments presented below are also applicable to independent Claims 35 and 38.

Turning now to the applied reference, Figure 2 of Ridolfo shows plant equipment 1 connected to a Data Acquisition System 2, which in turn is connected to a digital computer 3. The digital computer 3 contains an Equipment Failure & Degradation Evaluation Module 4, Probability-of-Failure Predictor Module 5, and Date-of-Failure Predictor Module 6. The digital computer 3 is connected to a Visual Display Unit (VDU) 8 and Operator Input Devices (OID) 9 via a network. A plant operator or maintenance personnel enters a future date of interest via the VDU 8 and the OID 9.<sup>1</sup> The Probability-of-Failure Predictor Module 5 then determines the overall probability of failure for the system before the future date of

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<sup>1</sup> See Ridolfo at Column 9, lines 23-25.

interest and the overall probability of failure for the system after the future date of interest.<sup>2</sup>

Ridolfo also states that “the invention also provides a Date-of-Failure Predictor Module 6 that determines the calendar date which corresponds to a specified probability of failure occurring. For example, if 4% is entered, the module determines the calendar date for which there is a 4% probability of the equipment failing prior to this date.”<sup>3</sup>

However, Ridolfo does not teach or suggest “a determination unit connected to the network configured to determine a date when the expectancy is substantially identical to a *predetermined threshold existing in the determination unit*” as recited in Applicants’ Claim 31. In Ridolfo, a user inputs a date and the system provides the probabilities of failure before and after the specified date. This is not determining a date when the expectancy is *substantially identical* to a predetermined threshold. In addition, a date is not a threshold.

Ridolfo also describes that if a user inputs a percentage of failure (e.g. 4%), the system will determine a date where there is a 4% probability of the equipment failing prior to that date. However, Ridolfo does not determine a date when the expectancy is substantially identical to a predetermined *threshold existing* in the determination unit, but rather a user inputs any probability they desire into the system. This inputted probability is not a threshold that is previously contained in the determination unit, but rather just a number inputted into the system.

Accordingly, Applicants respectfully request the rejection of Claims 31-32, 35, and 38 under 35 U.S.C. § 103(a) be withdrawn.

With regard to the rejections of Claims 5-7, 10, and 19-22 under 35 U.S.C. § 103, Applicants note that these claims are dependent on Claim 1 and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that none of

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<sup>2</sup> See Ridolfo at Column 9, lines 32-37.

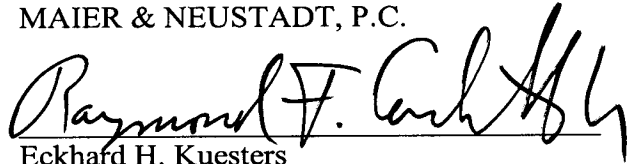
<sup>3</sup> See Ridolfo at Column 11, lines 17-22.

Ribolo, Kucek, or Babula, considered alone or together in any proper combination, cure any of the above-noted deficiencies of Friz and ABI.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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